

**GIBSON DUNN**

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May 24, 2024

VIA ECF

The Honorable Katherine Polk Failla  
United States District Court for the Southern District of New York  
40 Foley Square, Room 2103  
New York, NY 10007

**MEMO ENDORSED**

Re: ***AETN Television Networks, LLC v. Big Fish Entertainment, LLC et al., 22-cv-07411***  
**(S.D.N.Y.)**

Dear Judge Failla:

We represent Defendants Big Fish Entertainment LLC, Half Moon Pictures LLC, and REELZChannel, LLC (“Defendants”) in the above-captioned action. We write pursuant to Rule 9(B) of this Court’s Individual Rules of Practice in Civil Cases to respectfully request that sensitive financial information contained in the transcript of the pretrial conference held on April 17, 2024 be redacted.

During the conference, the parties and the Court discussed Defendants’ sensitive financial information. This information, and the documents that contain such information, have been designated Highly Confidential by Defendants under the governing Protective Order (Dkt. 58), on the basis that it contains Defendants’ sensitive financial information, as well as the sensitive financial information of Defendant Big Fish Entertainment LLC’s parent company, MGM. The disclosure of this information would cause competitive harm to Defendants and MGM. *See, e.g., Standard Inv. Chartered, Inc. v. Fin. Indus. Regulatory Auth., Ind.*, 347 F. App’x 615, 617 (2d Cir. 2009) (organization’s “interest in protecting confidential business information outweighs the qualified First Amendment presumption of public access”); *Gelb v. Am. Tel. & Tel. Co.*, 813 F. Supp. 1022, 1035 (S.D.N.Y. 1993) (granting motion to seal documents based upon the “assertion that its competitors who do not now have this information could use it to do [the party] competitive injury”).

The redactions Defendants seek are narrowly tailored to the specific details of Defendants’ and MGM’s financials. Moreover, the requested redactions are consistent with the Court’s prior orders sealing documents containing this highly sensitive financial information. *See* ECF Nos. 86, 87, 94.

We thank the Court for its consideration of this request.

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Respectfully,

/s/ Jay P. Srinivasan  
Jay P. Srinivasan

cc: All counsel of record (via ECF)

Application GRANTED.

This Court agrees with the redactions proposed by the parties, and also agrees that the version of the transcript that is currently on the docket should be sealed. The Clerk of Court is directed to maintain docket entry 103 under seal, viewable to the Court and the parties only. The Court Reporters are directed to prepare and docket a version of the transcript that has been redacted in accordance with the parties' suggestions, all of which have been adopted by the Court.

The Clerk of Court is further directed to terminate the pending motion at docket entry 106.

Dated: May 28, 2024  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE